

REMARKS

Claims 1, 2 and 9-11 are pending in this application. By this Amendment, claims 12-15 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. A Terminal Disclaimer is attached. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, in paragraph 1, rejects claims 12 and 13 under 35 U.S.C. §112, second paragraph, as being indefinite. The cancellation of claims 12 and 13 renders this rejection moot.

The Office Action, in paragraph 2, rejects claims 12 and 15 under 35 U.S.C. §102(b) as being anticipated by JP-A-09-317452 (hereinafter "JP '452"). The cancellation of claims 12 and 15 renders this rejection moot.

The Office Action, in paragraph 3, rejects claim 14 under 35 U.S.C. §103(a) as being unpatentable over JP '452. The cancellation of claim 14 renders this rejection moot.

The Office Action, in paragraph 4, rejects claim 13 under 35 U.S.C. §103(a) as being unpatentable over JP '452 in view of U.S. Patent No. 4,203,502 to Strader. The cancellation of claim 13 renders this rejection moot.

The Office Action, in paragraph 6, provisionally rejects claims 1, 2, 9-13 and 15 under the doctrine of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-7 and 10 of co-pending U.S. Patent Application No. 10/656,121. The enclosed Terminal Disclaimer under 37 C.F.R. §1.321(c) obviates this rejection. Accordingly, reconsideration and withdrawal of the double patenting rejection are respectfully requested.

The Office Action, in paragraph 5, rejects claims 1, 2 and 9-11 under 35 U.S.C. §103(a) as being unpatentable over JP '452 in view of U.S. Patent No. 4,203,502 to Strader. This rejection is respectfully traversed.

The Office Action asserts that JP '452 and Strader, in combination, would have rendered obvious the combination of all of the features recited in independent claim 1. The analysis of the Office Action fails for at least the following reasons.

Neither JP '452 nor Strader, individually or in combination, teach, nor can they reasonably be considered to have suggested at least the features wherein the support comprises at least two support elements that are in contact with and are bonded to an inner peripheral surface of the mantle, the two support elements being disposed in the axial direction of the mantle, and the two support elements neighboring in the axial direction of the mantle being disposed out of phase with each other in the peripheral direction of the mantle, as recited in claim 1.

The Office Action concedes that JP '452 does not teach this feature. To cure this deficiency, the Office Action alleges that Strader teaches this feature. The Office Action, on page 6, and in the Response to Arguments, asserts that Strader shows, in the last chamber depicted in Fig. 6, that supports 32, 28 and 30 are allegedly out of phase with respect to the previous chamber C, depicted in Fig. 5.

With reference to Fig. 2, however, Strader teaches a muffler with various points at which cross-sectional views of the muffler in an axial direction are indicated and correspondingly represented in Figs. 3-6. Strader further shows the observation direction to which each cross-sectional view, represented by Figs. 3-6, is oriented. In this regard, Fig. 2 shows that Figs. 3-5 are all viewed from the left-to-right direction, as indicated by the rightward arrows in Fig. 2. In Fig. 6, however, as indicated in Fig. 2, the viewpoint of the cross-sectional view is from the right-to-left direction, as indicated by the leftward arrow in Fig. 2. When viewed in this manner, and in accordance with the Strader disclosure, it is clear that the chambers depicted in Figs. 3-6 are all in phase.

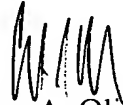
During the November 29 telephone interview in co-pending U.S. Application No. 10/656,121, Applicants' representative presented the above arguments to the Examiner. Based on the arguments presented during the November 29 telephone interview and the December 10, 2007 Request for Reconsideration in co-pending U.S. Application No. 10/656,121, the Examiner agreed that at least the above discussed features are not rendered obvious by the combination of JP '452 and Strader.

For at least the above reasons, the applied references cannot reasonably be considered to have suggested at least the combination of all of the features recited in independent claim 1. Additionally, claims 2 and 9-11 would also not have been reasonably suggested by the applied references for at least the respective dependence of these claims, directly or indirectly, on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recites.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2 and 9-11 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:CJW/clf

Attachment: .
Terminal Disclaimer

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